REMARKS

Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Status of the Claims

Claims 13-27 and 29-32 are pending. Claims 16-17, 24-27 and 32 have now been canceled without prejudice or disclaimer of the subject matter recited therein. Claims 1-12 and 28 were previously canceled without prejudice or disclaimer of the subject matter recited therein. Claims 13, 18 and 29 have now been amended. No new matter has been added.

Support for the amendment to independent claims 13 and 29 can be found, for example, in now-canceled claim 24 and in the Specification at paragraphs 0044-50. The amendment to claim 18 adjusts antecedent basis for an existing feature.

Rejections under 35 U.S.C. §102

Claims 13-15, 17-23, 25, and 27-31 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,847,613 to Mimura et al. ("Mimura"). Claims 17, 25 and 27 have now been canceled. Claim 28 was canceled by previous amendment.

Mimura describes observing incoming IP packets to a packet switch 1 and acquiring statistics data thereof. The packet switch 1 includes a meter 5 and a MUX control 6. The meter 5 measures predetermined items of incoming IP packets. The meter 5 observes the incoming packets, and acquires and retains statistical data on the incoming packets. See Mimura, column 6, lines 36-45, 59-65, and Fig. 1. The statistical data acquired by the meter 5 includes time

dependent information (e.g., average numbers of packets passed per unit time, relative time of the communication flow of observed packets begins and terminates, delay time). See Mimura, column 7, lines 1-28. Under instruction by the MUX control 6, the statistical data is incorporated into the communication flow and sent as part of the flow. See Mimura, column 7, lines 32-35.

Independent claims 13 and 29 of the present application have now been amended so as to recite "transmit[ting] a plurality of measurement packets from a sending measuring computer to the measuring computer over a measurement path so as to provide measured data including a plurality of respective one-way delay measurements of the measurement path" and "combin[ing] the measured data into characteristic values having a lower volume than the measured data, the characteristic values including at least one of a mean measurement path one-way delay, a maximum measurement path one-way delay, and minimum measurement path one-way delay, a standard deviation of a measurement path one-way delay, a mean measurement path IP delay variation, a maximum measurement path IP delay variation, a standard deviation of a measurement path IP delay variation, a measurement path packet loss, and a measurement path packet throughput over a time interval." It is respectfully submitted that Mimura does not teach transmitting a plurality of measurement packets from a sending measuring computer to a measuring computer over a measurement path so as to provide measured data including a plurality of respective one-way delay measurements of the measurement path, nor does Mimura teach combining such measured data into characteristic values having a lower volume than the measured data where the characteristic values include the measurement path values as recited in

independent claims 13 and 29. In contrast, Mimura merely describes observing incoming IP packets to a packet switch 1 and acquiring statistics data thereof. See Mimura, column 5, lines 45-29, column 6, lines 59-65, and Fig. 1. The measured statistical data is incorporated into the communication flow and sent as part of the flow. See Mimura, column 7, lines 32-35. Mimura's incoming IP packets are not measurement packets transmitted over a measurement path so as to provide one-way delay measurements of the measurement path, as recited. Nor do Mimura's statistics include any of the measurement path values recited in the claims. Because Mimura fails to teach each and every feature of amended independent claims 13 and 29, it cannot anticipate claims 13 and 29, or any of their respective dependent claims.

Reconsideration and withdrawal of the rejection of claims 13-15, 18-23 and 29-31 as being anticipated by U.S. Patent No. 6,847,613 to Mimura et al. is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 16, 24, 26 and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mimura in view of the Examiner's statement of what was known in the art by a person of ordinary skill at the time of the invention. Claims 16, 24, 26 and 32 have been canceled, thus rendering the rejection moot.

Reconsideration and withdrawal of the rejection of claims 16, 24, 26 and 32 as being unpatentable over U.S. Patent No. 6,847,613 to Mimura et al. in view of the Examiner's statement of what was known in the art by a person of ordinary skill at the time of the invention is respectively requested.

CONCLUSION

In view of the foregoing it is believed that remaining claims 13-15, 18-23 and 28-31 are in condition for allowance and it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By _____

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